

# **EXHIBIT 1**



U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L St, NW, Room 12014  
Washington, D.C. 20005

Kathryn L. Wyer  
Senior Trial Counsel

Tel: (202) 616-8475  
kathryn.wyer@usdoj.gov

March 29, 2024

VIA EMAIL

Michael Francisco  
McGuireWoods LLP  
mfrancisco@mcguirewoods.com

Re: ***Doe v. Mast*, No. 3:22-cv-49-NKM-JCH**

Michael,

In further response to your *Touhy* requests of February 2 and 9, 2024, I am conveying agency decisions regarding two subsets of the documents that you transmitted for *Touhy* review. Any documents that are not identified below and have not been addressed in my letters of March 21, 2024 are still under review and thus not authorized to produce.

**A. SUBSET A REVIEWED:**

DoD has completed review of the following WhatsApp or other text messages:

MAST\_TOUHY\_001577 through MAST\_TOUHY\_002345

MAST\_TOUHY\_006057 through MAST\_TOUHY\_006734

1. **REDACTIONS REQUIRED:** The following documents in Subset A are authorized to be produced only in redacted form with a Confidential designation under the Protective Order to protect unredacted federal employee names and contact information. I will separately transmit to you the authorized redacted versions of these documents:

MAST\_TOUHY\_002124 (Confidential)

MAST\_TOUHY\_002129 (Confidential)

MAST\_TOUHY\_002257 (Confidential)

MAST\_TOUHY\_002288 (Confidential)

2. **NOT AUTHORIZED:** The following documents in Subset A are not authorized to be produced or used in this case and therefore should not be produced in any form:

The 27 documents marked in your February 2 transmission with Bates numbers from MAST\_TOUHY\_002319 through MAST\_TOUHY\_002345

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3. **CONFIDENTIAL:** The remainder of the documents in Subset A may be produced without redaction but only with the designation of Confidential under the Protective Order in order to protect federal employee names and contact information.

**B. SUBSET B REVIEWED**

Relevant agencies have completed review of the following documents:

MAST\_TOUHY\_001116 through MAST\_TOUHY\_001294  
MAST\_TOUHY\_001329 through MAST\_TOUHY\_001380  
MAST\_TOUHY\_001570 through MAST\_TOUHY\_001571  
MAST\_TOUHY\_002942  
MAST\_TOUHY\_003076 through MAST\_TOUHY\_003135  
MAST\_TOUHY\_004821 through MAST\_TOUHY\_005072  
MAST\_TOUHY\_006046 through MAST\_TOUHY\_006051  
MAST\_TOUHY\_006777 through MAST\_TOUHY\_006851

1. **REDACTIONS REQUIRED:** The following documents in Subset B are authorized to be produced only in redacted form with a Confidential designation under the Protective Order to protect unredacted federal employee work emails and other contact information and non-party federal employee names. I will separately transmit to you the authorized redacted versions of these documents:

MAST\_TOUHY\_001336 (Confidential)  
MAST\_TOUHY\_001339 (Confidential)

2. **CONFIDENTIAL:** The following documents in Subset B may be produced without redaction but only with the designation of Confidential under the Protective Order in order to protect federal employee (including your client) work emails and other contact information and non-party federal employee names.

MAST\_TOUHY\_001116 (Confidential)  
MAST\_TOUHY\_001138 (Confidential)  
MAST\_TOUHY\_001329 (Confidential)  
MAST\_TOUHY\_001341 (Confidential)  
MAST\_TOUHY\_001348 (Confidential)  
MAST\_TOUHY\_001367 (Confidential)  
MAST\_TOUHY\_001379 (Confidential)  
MAST\_TOUHY\_001570 (Confidential)

3. **REMAINDER:** The remainder of the documents in Subset B may be produced without redaction. These documents may contain private information regarding the parties that the parties should designate as Confidential.

The agencies are continuing to review the remainder of the documents. I will transmit further updates regarding their decisions as soon as I am able to do so.

Sincerely,  
/s/  
Kathryn Wyer